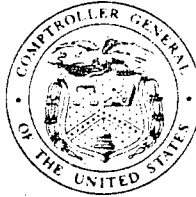


DECISION



Eisen
17765
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-202133

DATE: April 15, 1981

MATTER OF: Duraclean by Simpson

[Protest of GSA Contract Award]

DIGEST:

Where low bidder refuses to extend its bid when Government requests such an extension, bidder loses standing to protest subsequent award to second low bidder.

Duraclean by Simpson (Duraclean) [protested the award of a contract] under solicitation GSD-5DPR-00003 issued by the Property Rehabilitation Division, Federal Property Resources Service, General Services Administration (GSA).

The invitation for bids was issued on September 25, 1979. The bid opening date was originally scheduled for October 24, 1979, but was extended by amendment to November 1, 1979. Duraclean's bid was submitted on October 15 and included a 10-day acceptance limitation. [Since Duraclean was the lowest bidder, GSA sent it a mailgram on December 26 requesting an extension of its bid and an answer by December 31. No response was received.] Again, [on March 24, 1980, Duraclean was requested to extend its bid but it refused because it could not get a subcontractor.] The contract was awarded on April 30, 1980, to the second lowest bidder.

Duraclean inquired about the disposition of the contract and agreed to extend the date of acceptance of its bid in a letter which was postmarked June 24, 1980. On January 14, 1981, [GSA informed Duraclean that its bid had expired and the contract had been awarded to another bidder.] GSA received a letter from Duraclean on January 27, 1981. However, [because the letter was addressed to the Comptroller General, but sent to GSA, and stated no basis of protest, GSA

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contacted Duraclean and found that it intended the letter to be a protest to the Comptroller General.]

§ Duraclean's express refusal to extend its bid presents the threshold question of whether the firm is still an "interested party" entitled to maintain a protest before our Office. § A party must be "interested" under our Bid Protest Procedures, 4 C.F.R. part 20 (1980), in order to have its protest considered by our Office. Determining whether a party is sufficiently interested involves consideration of the party's status in relation to the procurement. Don Greene Contractor, Inc., B-198612, July 28, 1980, 80-2 CPD 74.

[By refusing to extend its bid, Duraclean withdrew its offer and, therefore, rendered itself ineligible for award. Therefore, even if we were to sustain Duraclean's protest, it could not receive award of this contract.] In view thereof, [no useful purpose would be served by ruling on the protest even if it was otherwise for our consideration.]

Accordingly, [the protest is dismissed.]

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel